

## Worksheet

### Documentation of Land Use Plan Conformance and Determination of NEPA Adequacy (DNA)

U.S. Department of the Interior  
Bureau of Land Management

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UT-090-06-002 DNA

This Worksheet is to be completed consistent with the "Guidelines for using the DNA Worksheet," located at the end of the worksheet. The signed CONCLUSION at the end of this worksheet is part of an interim step in the BLM's internal analysis process and does not constitute an appealable decision. However, it constitutes an administrative record to be provided as evidence in protest, appeals and legal procedures.

**A. BLM Office:** Monticello Field Office (U-090)

**Lease/Serial/Case File No.:** \_\_\_\_\_

**Proposed Action Title/Type:** February 2006 Oil & Gas Lease Sale

**Location of Proposed Action:** As described below.

**Description of the Proposed Action:**

The Bureau of Land Management (BLM) proposes to offer nine parcels in a competitive oil and gas lease sale to be held on February 21, 2006. The parcels, totaling approximately 10,200 acres, are located in the eastern part of the Monticello Field Office area (maps 1, 2 and 3, Appendix A). Not all parcels are located on public land administered by the BLM. Some of the parcels contain split-estate land with private surface and federal minerals. In all cases, the minerals are owned by the federal government and administered by the BLM.

The RMP directs that where federal oil and gas resources underlie lands not administered by the BLM, the "BLM leasing categories do not apply to these areas. The surface owner or administering federal agency manages the surface". However, where leasing is authorized, the "BLM administers the operational aspects of the leases with concurrence of the surface owner or administering agency" (RMP, pg. 27). Parcels would be leased and administered as follows:

#### BLM administered land

Parcels on BLM administered lands would be offered for lease in accordance with the lease categories and stipulations in the San Juan Resource Management Plan (RMP) of 1991.

#### Split estate land

Parcels would be offered for lease with the standard lease terms and conditions. If a lease issues on split estate lands, the BLM Monticello Field Office would oversee lease operations as part of its responsibility to administer the Federal mineral estate. This would be done in accordance with the San Juan RMP and Onshore Oil and Gas Order No. 1. The RMP provides standard operating procedures (SOPs) which would be applied to lease operations on split estate lands as a condition of approval. BLM would also require mitigation measures resulting from site specific environmental analysis conducted at the time surface disturbing operations are proposed. The BLM would maintain flexibility in applying these mitigation measures and the SOPs after consulting with the surface owner.

Appendix B contains the legal description and special lease stipulations for each of the nine parcels on the preliminary list for the February 2006 lease sale.

If a parcel is not taken by competitive bidding, then it may be taken by a non-competitive sale for two years after the competitive offer. A lease may be held for 10 years (43CFR 3120.2-1), after which the lease would expire unless oil or gas is produced in paying quantities. A producing lease would be held indefinitely by paying production.

A lessee's right to explore and drill for oil and gas, at some location on Category 1 and 2 leases, is implied by

issuance of the lease. A lessee must submit an application for permit to drill (APD) to the BLM for approval and must possess a BLM approved APD prior to drilling. An appropriate NEPA document is prepared prior to approval of the APD. Following BLM's approval of an APD, a lessee may produce oil and gas from a lease without additional approval.

We have considered the proposed action and find that the existing NEPA documents are adequate for eight of the nine parcels because: (1) the current proposed action was previously proposed and analyzed (or is part of an earlier proposal that was analyzed); (2) resource conditions and other relevant circumstances have not changed significantly, and there is no significant new information germane to the proposed action; (3) there is no suggestion by the public of a significant new and appropriate alternative; and (4) the following Critical Elements of the Human Environment were also considered (Appendix C). Any resources that may be affected have been adequately analyzed in the existing NEPA documentation.

**Applicant (if any):**

**B. Conformance with the Land Use Plan (LUP) and Consistency with Related Subordinate Implementation Plans**

LUP Name      San Juan Resource Management Plan      Date Approved      March 18, 1991

Other document San Juan Resource Management Plan,  
Reasonable Foreseeable Development Scenario for Oil  
and Gas Activity      Date Approved      May 11, 1993

Other document San Juan County Master Plan      Date Approved      July 8, 1996

The proposed action is in conformance with the applicable LUPs because it is specifically provided for in the following LUP decisions:

Page 27 of the San Juan RMP: Decision 1. "Lease oil and gas by category as shown below. (See Chapter 3 for Special Management Conditions)"

The category listing of lands shown on page 28 of the RMP is not reprinted here. All BLM administered lands in the resource area were placed in one of four lease categories i.e., open with standard conditions (category 1), open with special conditions (category 2), no surface occupancy (category 3), or no lease (category 4). The RMP prescribes special conditions (lease stipulations) for lands in categories 2 and 3 to protect other resources or resource values.

The RMP also provides that where federal oil and gas resources underlie lands not administered by the BLM, the "BLM leasing categories do not apply to these areas. The surface owner or administering federal agency manages the surface, and where leasing is authorized, BLM administers the operational aspects of the leases with concurrence of the surface owner or administering agency" (RMP, pg. 27).

Page 27 of the San Juan County Master Plan contains an objective for responsible natural resource use and development. With respect to the mineral industry, the county will continue to support the growth and development of these industries as opportunities present themselves and new technologies develop.

**C. Identify applicable NEPA document(s) and other related documents that cover the proposed action.**

List by name and date all applicable NEPA documents that cover the proposed action.

- 1.) San Juan Resource Management Plan Final Environmental Impact Statement, September 1987

List by name and date other documentation relevant to the proposed action (e.g., source drinking water assessments, biological assessment, biological opinion, watershed assessment, allotment evaluation, rangeland health standard's assessment and determinations, and monitoring the report).

- 1.) San Juan Resource Area Reasonable Foreseeable Development Scenario For Oil and Gas Activity, A Supplement to the Resource Management Plan, May 1993.

#### **D. NEPA Adequacy Criteria**

**1. Is the current proposed action substantially the same action (or is a part of that action) as previously analyzed?**

☒ **Yes**

☐ **No**

Documentation of answer and explanation:

The RMP/EIS analyzed the impacts of oil and gas leasing under five alternatives. The proposed action is part of the preferred alternative (alternative E) and implements the decisions made in the RMP (ROD, 1991).

The BLM administers the mineral estate where it is reserved to the federal government. Split-estate lands were considered in the EIS. Acreage for these lands with federal minerals were tabulated in the EIS and carried into the RMP (Draft RMP/EIS, 1986, pg. I-20)

**2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the current proposed action, given current environmental concerns, interests, resource values, and circumstances?**

☒ **Yes**

☐ **No**

Documentation of answer and explanation:

The San Juan EIS analyzed the impacts of oil and gas leasing on all lands in the resource area under five alternatives to compare impacts of different degrees of development with various category restrictions (lease stipulations) for each alternative. The five alternatives balanced uses and conflicts between various resources and ranged from maximizing oil and gas development to minimizing production in favor of other resource values.

**3. Is the existing analysis adequate in light of any new information or circumstances (including, for example, riparian proper functioning condition (PFC) reports; rangeland health standards assessments; Unified Watershed Assessment categorizations; inventory and monitoring data; most recent Fish and Wildlife Service lists of threatened, endangered, proposed, and candidate species; most recent BLM lists of sensitive species)? Can you reasonably conclude that all new information and all new circumstances are insignificant with regard to analysis of the proposed action?**

Parcels:

UT0206-223	UT0206-231	UT0206-234
UT0206-229	UT0206-232	UT0206-238
UT0206-230	UT0206-233	

X      Yes

Documentation of answer and explanation:

A review of the critical elements and other resources/concerns is documented in the Interdisciplinary Team Analysis Record Checklist for the proposed action (Appendix C). A more detailed discussion is provided below for the following:

**Cultural Resources**

A cultural resource records search was done by the Monticello Field Office (MFO) archaeologist that covered the Area of Potential Effect (APE). The APE is defined as the total acres within each lease parcel being considered in the February 2006 lease sale. Previous cultural resource surveys and recorded cultural properties were identified from the records search. The results of the records search indicate a low to moderate density of cultural properties. Based on the ability to avoid or otherwise mitigate potential impacts to cultural properties, a determination of *no adverse effect* was made to the Utah State Historic Preservation Office (USHPO). The determination was based on a conclusion that at least one well could be located on each parcel without adversely affecting cultural resources (Appendix D and E).

In addition, lease operations would be subject to the SOPs prescribed in the San Juan RMP. MFO will ensure that all of the requirements of the RMP for the protection of cultural resources are met. This would include a cultural resource survey, Native American consultation, USHPO consultation and other measures to meet BLM's legal responsibility.

**Threatened, Endangered or Sensitive Animal Species**

The BLM considers raptor species to be sensitive animals. Raptors are protected by the Endangered Species Act of 1973, as amended, the Bald Eagle Protection Act of 1940, and the Migratory Bird Treaty Act of 1918. The U.S. Fish and Wildlife Service (USFWS), Salt Lake City Field Office has developed guidelines for raptor protection titled "Utah Field Office Guidelines for Raptor Protection from Human and Land Use Disturbances". These guidelines identify potential effects and develop mitigation measures. Field surveys would be done at the time lease operations are proposed. If nesting raptors are found within the zone of disturbance, these guidelines (which are subject to modification on a site-specific and project-specific basis dependent on knowledge of the birds; topography and habitat features; and level of the proposed activity) would be followed in coordination with Utah Division of Wildlife Resources (UDWR) and the USFWS.

Migratory, wintering bald eagles (*Haliaeetus leucocephalus*) are occasionally observed flying or perching within the general locations of the oil and gas lease parcels proposed for sale. Since bald eagles in this area typically feed on carrion, they are more likely to be in areas where deer are congregated in the winter. This would typically be within the crucial deer winter ranges. Four of the proposed lease parcels are within crucial deer winter range (UT0206-230, UT0206-231, UT0206-232, and UT0206-238). Site specific analysis and field surveys may need to be done if lease operations are proposed within these lease parcels and, if necessary, potential impacts to Bald eagles would be mitigated in coordination with USFWS.

Habitat evaluations have been conducted for Mexican spotted owls (*Strix occidentalis lucida*) within the lease parcels proposed for sale that contain canyon habitat. These canyons were found to be lacking the suitable habitat components for Mexican spotted owls.

The BLM, Monticello Field Office determined that the proposed action "may affect, but is not likely to adversely affect" the Bald eagle or Mexican spotted owl. The USFWS concurs with this determination (Appendix D). No

other federally listed threatened or endangered animal species, designated critical habitats, or suitable habitat are known to occur within or adjacent to the lease parcels proposed for sale (see section D.7. and Appendix D for reference to USFWS consultation).

### **Wilderness Characteristics**

According to the BLM 1999 wilderness re-inventory, none of the parcels proposed for the February 2006 lease sale are shown to possess wilderness characteristics. Three of the parcels and acreages are within lands proposed for wilderness by the Utah Wilderness Coalition (UWC) in the House of Representatives bill 1796 and Senate Bill 639 in the 108<sup>th</sup> Congress.

Parcels and acreages within lands proposed for Wilderness by the Utah Wilderness Coalition are shown in table 1 and on map 5 in Appendix A.

**Table 1 – Parcels and acreages within UWC proposal**

<b>Parcel #</b>	<b>Acres</b>
UT0206-229	1,011
UT0206-230	1,356
UT0206-231	19
Total of 3 Parcels	2386

BLM's Instruction Memorandum (IM) 2003-275-Change 1 addresses the issue of wilderness characteristics in land use plans. The IM defines wilderness *characteristics* as features of the land associated with the concept of wilderness. The IM then describes these features as naturalness, and outstanding opportunities for solitude and/or primitive and unconfined recreation. According to the IM:

*"Lands and resources exhibit a high degree of naturalness when affected primarily by the forces of nature and where the imprint of human activity is substantially unnoticeable. BLM has authority to inventory, assess, and/or monitor the attributes of the lands and resources on public lands, which, taken together, are an indication of an area's naturalness. These attributes may include the presence or absence of roads and trails, fences and other improvements; the nature and extent of landscape modifications; the presence of native vegetation communities; and the connectivity of habitats."*

IM-2003-275, Change 1, lists a range of attributes which contribute to naturalness, including various natural, biological, and cultural resources-such as air, soil, water, vegetation, cultural, paleontological, visual, special status species, fish and wildlife. All of these attributes were analyzed in the Draft RMP-EIS under the various alternatives.

IM 2003-275, Change 1, also advises BLM on how to evaluate new information contained in public wilderness proposals, but emphasizes that to be significant, the new information must relate to environmental concerns and bearing on the proposed action or impacts *that have not previously been analyzed* (emphasis added). The emphasis, therefore, is on whether or not the new information suggests that significant changes in land and resource conditions have occurred since the plan/EIS or other NEPA document was completed.

The document also suggests that although the NEPA record may not have specifically addressed *wilderness characteristics* in the analysis, the NEPA record may be considered adequate if BLM had reasonably considered the environmental effects to the lands and resources that contribute to wilderness. Consistent with this guidance, the BLM has determined this to be the case for the proposed lease parcel areas as evidenced by the following:

1. WSA Analysis -The BLM inventoried the lease parcel areas for wilderness characteristics in its original 1980-83 Wilderness Inventory to decide what areas should be Wilderness Study Areas. No portions of these lease parcels were made Wilderness Study Areas.
2. ROS Inventory - Prior to completion of the EIS for the current RMP, a Recreational Opportunity Spectrum Inventory (ROS) was completed for the entire Field Office area. Wilderness characteristics

such as opportunities for solitude, primitive unconfined recreation and naturalness were taken into account in determining the ROS class areas (pgs A-55 to A-58 in the May 1986 Draft RMP/EIS).

Primitive (P) class "Area is characterized by essentially unmodified natural environment of fairly large size .....with opportunities for isolation from sights and sounds of man, to feel a part of the natural environment, to have a high degree of challenge and risk, and to use outdoor skills"

Semi-Primitive Non Motorized (SPNM) class Area is characterized by a predominantly unmodified environment natural environment of moderate to large size, concentration of users is low but there is often evidence of other area users. .... with some opportunity for isolation from the sights and sounds of man but not as important for primitive opportunities.... " Motorized use is not permitted.

Semi-Primitive Motorized is defined as the same as Semi Primitive Nonmotorized except that motorized use is permitted.

Roaded Natural-(RN) class "is characterized by a generally natural environment, with moderate evidence of the sights and sounds of man....."

A review of figure 3-16 in the Draft RMP/EIS and the currently digitized ROS overlay in the BLM's GIS data base shows all but approximately 1200 acres of the lease parcel areas were found to lack sufficient wilderness characteristics to meet ROS classification standards more primitive than Roaded Natural. Approximately 1200 acres in parcels UT0206-229 and UT0206-230 were inventoried as Semi-Primitive Motorized. ROS classes are defined in the May 1986 Draft RMP/EIS Plan on pages A-55 and A-58.

The BLM currently feels the previous ROS inventory is still correct in this area. Recreational use patterns in these parcels have not substantially changed since the San Juan RMP was written. The majority of those seeking primitive and unconfined types of recreational use such as backpacking, horseback riding, commercial outfitting, etc., go elsewhere in the field office.

3. EIS alternatives - Oil and gas leasing within these parcels and its associated impacts on various resources or values, including wilderness characteristics, were substantially analyzed and discussed in Alternatives C, D and E of the San Juan RMP/EIS. Although the term "wilderness characteristics", was not specifically mentioned in the RMP, the concepts of wilderness (i.e., protecting and improving opportunities for primitive recreation, preserving wildlife habitats, preserving soils resources, protecting scenic values, preserving natural succession of plant communities) were all analyzed in the alternatives of the EIS as shown by the following references in the land use planning documents:

Pg. 1-4 and 1-5 of the Proposed Resource Management Plan, Final Environmental Impact Statement Volume 1, 1987

Alternative C.

- Use of the public lands for recreation by maintaining the spectrum of recreational opportunities now present.
- Production of wildlife habitat and protection of specialized wildlife habitats; and
- Preserving watershed values through protection of certain soils resources.

Alternative D.

- preserving natural succession of plant communities by minimizing surface disturbance, particularly in four specific areas;
- protection of cultural resources beyond the requirements of law; and
- Increasing the extent of areas available for primitive uses.

Alternative E (The Preferred Alternative)

- Protecting the opportunity for primitive and semi primitive recreation uses in certain areas;

- Protecting scenic values in certain areas;
- Protecting certain wildlife habitat areas;
- Preserving watershed values through protection of certain soils resources;
- Otherwise making public lands available for the production of mineral resources.

#### Alternative C

- "Favors recreation use, particularly primitive backcountry use."

#### Alternative E

- Protecting scenic values in certain areas;

Pg. 2-15 and 2-17 of the Draft Resource Management Plan, Environmental Impact Statement, 1986

#### Alternative D

"In certain areas, all surface disturbance would be minimized and the land managed to let natural succession of plant communities predominate over human activities. These are areas of at least 10,000 acres, where human caused imprints now present are confined to less than 20 percent of the total area...). None of the lease parcels are within these identified natural succession areas.

The new information concerning wilderness characteristics, including the information provided by the public in the proposed wilderness bills, does not require additional NEPA analysis because: (1) significant changes in resource conditions relating to primitive and unconfined recreation have not occurred; and (2) the existing NEPA record adequately assesses impacts on those resources which contribute to naturalness. Thus, leasing these parcels is not likely to impact the resources on those parcels in a significant manner or to a significant degree not already considered in the existing NEPA document.

Parcel:

UT0206-237

X      No

Documentation of answer and explanation:

#### ***Threatened, Endangered or Sensitive Animal Species***

Parcel UT0206-237 is within habitat occupied by the Gunnison Sage-grouse (*Centrocercus minimus*) (Appendix D). This species of sage-grouse was not known at the time of the RMP and therefore, was not analyzed in the RMP/EIS. The Gunnison Sage-grouse (GUSG) was recently recognized as a distinct species by the American Ornithologist in 2000. In the same year, the USFWS received a petition for an emergency endangered species listing for the GUSG. Because of the increasing habitat fragmentation, reduced and limited population distributions (only 25% of the historic range), and low and declining localized populations, the USFWS has placed the GUSG on the candidate list. Candidate species are plant and animal taxa considered for possible addition to the list of Endangered and Threatened Species. Since then, the USFWS has moved the GUSG up in priority as a #2 candidate, only one step away from being listed. This increase in priority is due to the continued decline of the species since GUSG were put on the candidate species list in 2000.

There are only six localized populations of GUSG in Colorado and one in southeast Utah. These birds are found nowhere else in the world. The nature of GUSG habitat in Colorado and Utah suggests that impacts and/or loss of important habitat for the species could be detrimental toward maintenance of each local population. Approximately 90 percent of the current GUSG range in Utah is on split estate lands (private surface and federal minerals). On split-estate lands, the BLM must ensure that a BLM-approved action would

not contribute to the need to list the GUSG. Several research studies and conservations efforts are currently in various stages of completion and need to be taken into considerations to understand the range-wide effects of oil and gas production on this newly recognized species.

This represents significant new information about GUSG which was not considered in the RMP/EIS. Thus, leasing parcel UT0206-237 may impact this species in a significant manner or to a significant degree not already considered in the existing NEPA document.

**4. Do the methodology and analytical approach used in the existing NEPA document(s) continue to be appropriate for the current proposed action?**

☒ Yes

☐ No

Documentation of answer and explanation:

The methodology and approach used in the EIS are still appropriate for the current proposed action. A systematic, interdisciplinary process was used to analyze impacts. The methods of extraction, land requirements for exploration and development and the Reasonably Foreseeable Development (RFD) Scenario have not changed substantially since the EIS was completed.

The RFD assumptions for impact analysis in the EIS are still valid. The EIS actually analyzed impacts from drilling up to an average of 50 oil and gas wells per year through the year 2000. The RFD refined the predicted activity levels based on relation to geologic provinces. The subject lease parcels are in the Blanding Basin and Paradox Fold and Fault Belt geologic provinces. The RFD estimated that a combined total average of 40 wells would be drilled each year in these two provinces. To date, drilling activity has been far less than predicted.

**5. Are the direct and indirect impacts of the current proposed action substantially unchanged from those identified in the existing NEPA document(s)? Do the existing NEPA documents analyze impacts related to the current proposed action at a level of specificity appropriate to the proposal (plan level, programmatic level, project level)?**

Parcels:

UT0206-223	UT0206-231	UT0206-234
UT0206-229	UT0206-232	UT0206-238
UT0206-230	UT0206-233	

☒ Yes

Documentation of answer and explanation:

Impacts from the current lease proposal and subsequent lease operations would be the same as those analyzed in the EIS. This is because the proposed action is within the purview analyzed under alternative E in the EIS. The existing resource conditions and values have not changed since analysis in the EIS. The EIS used a somewhat general approach in analyzing impacts but these were tied to specific resources/values as present in specific areas. Leasing categories were established to meet management objectives for protecting certain resources/values in particular areas. Appropriate mitigation (stipulations) was designed for each of these categories. As previously stated in section B, the BLM lease categories do not apply to the split estate lands. However, the BLM has the responsibility for administering the minerals so these lands were considered in the RMP/EIS. The RMP does require that SOPs be applied to the split estate lands (Draft RMP/EIS, 1986, pg. A-1 thru A-6). The SOPs and any site specific mitigation would be applied in consultation with the private surface owner. This would be done in order to afford the same level of environmental protection on private surface as on the adjacent federal land.



Parcel:

UT0206-237

☒ No

Documentation of answer and explanation:

There is new information which requires further analysis to adequately assess the potential impacts to Gunnison Sage-grouse. Refer to section D.3 above for a more detailed discussion.

**6. Can you conclude without additional analysis or information that the cumulative impacts that would result from implementation of the current proposed action are substantially unchanged from those analyzed in the existing NEPA document(s)?**

Parcels:

UT0206-223	UT0206-231	UT0206-234
UT0206-229	UT0206-232	UT0206-238
UT0206-230	UT0206-233	

☒ Yes

Documentation of answer and explanation:

As discussed in the answers to Questions (D.4) and (D.5), the EIS and RFD addressed reasonable future oil and gas activity. This included analysis of the potential collective and cumulative impacts of oil and gas leasing for up to 50 wells per year in the field office area. Because the reasonably foreseeable level of oil and gas activity analyzed previously is still appropriate and additional connected, cumulative or similar actions are not anticipated to exceed the threshold activity level previously analyzed, the potential cumulative impacts are substantially unchanged from those analyzed in the RMP/EIS.

Parcel:

UT0206-237

☒ No

Documentation of answer and explanation:

There is new information which requires further analysis to adequately assess the potential impacts to Gunnison Sage-grouse. Refer to section D.3 above for a more detailed discussion.

**7. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?**

☒ Yes

☐ No

Documentation of answer and explanation:

The public and agencies were afforded extensive time for review and comment of the RMP and EIS. Numerous public meetings, agency and government coordination meetings and public comment periods were held during the preparation of the RMP/EIS. Public comment periods for the draft RMP/EIS totaled 5 months and comment periods for the final RMP/EIS totaled 6 months.

In addition, the BLM, Utah State Office also posts notification of all oil and gas lease sales on the Environmental Notification Bulletin Board (ENBB).

### ***Native American Religious Concerns***

On October 26, 2006, the Monticello Field Office sent letters to the Navajo Nation Historic Preservation Department, Red Mesa Navajo Chapter, Huerfano Navajo Chapter, Oljato Navajo Chapter, Aneth Navajo Chapter, Navajo Mountain Navajo Chapter, Mexican Water Navajo Chapter, Dennehotso Navajo Chapter, TeecNosPos Navajo Chapter and the Cultural Preservation Office of the Hopi Tribe (Appendix D). To date, no expressions of concern about the lease parcels have come forward from these Native American groups and none are anticipated based on consultation done for previous oil and gas lease parcels in the vicinity of the proposed lease parcels. If any concerns are raised by the tribes, those concerns will be addressed. Consultation will be considered complete if tribal response presents no objection or if response is not received seven (7) days prior to the date of the proposed sale. Additional consultation will be conducted should site-specific use authorization requests for a lease be received.

### ***Utah State Historic Preservation Office (USHPO)***

On October 26, 2006 the BLM, Monticello Field Office (MFO) sent a letter to the Utah State Historic Preservation Office (USHPO), in which a determination of *no adverse effect* was made for cultural resources located within the proposed lease parcels (Appendix D). Also, in its letter, the MFO stated that if no response was received from the USHPO within 30 days of receipt of the consultation letter, the MFO would conclude that the USHPO has no concerns. On December 1, 2005 the BLM, Monticello Field office received concurrence from the USHPO with respect to the cultural resources determination for the February 2006 proposed oil and gas lease sale.

### ***U.S. Fish and Wildlife Service (USFWS)***

BLM Monticello Field Office identified potential issues or concerns as they relate to threatened or endangered species for several parcels in the Monticello Field Office. Informal consultation was initiated between the Monticello Field Office and the USFWS on November 1, 2005. On November 18, 2005 the USFWS concurred with the Monticello Field Office determination of "may affect, not likely to adversely affect" (Appendix D).

### ***National Park Service (NPS)***

The BLM, Utah State Office received comments from the NPS by memorandum dated November 15, 2005 (Appendix D). The NPS holds a right-of-way (ROW) along Highway 211. The NPS requested that the parcels include appropriate visual resource protection measures to "...protect and preserve natural scenic values..." as stated in the terms and conditions of the ROW.

The terms and conditions of the ROW apply only to the grantee's construction, use, operation and maintenance of an access road or other lawful uses granted. The terms and conditions of the ROW do not apply to other uses of adjacent public lands. Those conditions for use are set by the land use plan. The area of the parcels was inventoried by BLM as VRM III and VRM IV. Oil and gas development and the potential impacts to visual resources were adequately analyzed in the RMP/EIS. The RMP does not prescribe a VRM lease stipulation for the area of the subject parcels. Section 6 of the standard lease form allows the BLM to apply measures necessary to minimize adverse impacts to visual resources and other land uses or users. These measures include moving proposed oil and gas activity 200 meters if necessary. Since the ROW is only 200 feet wide, the standard terms are adequate to protect the rights granted to the NPS. It is also important to point out that the parcels are located approximately 22 miles, by road, from Canyonlands National Park.

The NPS commented on the Draft San Juan RMP/EIS. Comments covered a variety of issues, including visual resources in proximity of National Park units. The NPS comments were "*provided on the basis of the National Park Service's Congressional mandate of 1916 to conserve the resources of units within the National Park Service...*" The BLM responded as follows to the premise that the NPS mandate applies to the management of adjacent public lands:

*"BLM is aware that the NPS Organic Act provides that NPS will regulate the use of NPS units so as to leave the*

lands unimpaired, and will authorize only those uses that will not derogate park values (16 U.S.C. 1 through 1a-1). However, Congress did not provide that this standard of management be applied to public lands, nor that NPS would authorize uses on public lands. FLPMA provides that all public lands (including those adjacent to or seen from NPS units) will be managed to provide for multiple use and sustained yield (43 U.S.C. 1701). FLPMA and other laws governing uses of public lands...do not require a different, more protective level of management for public lands adjacent to NPS units..." (Proposed San Juan RMP/Final EIS, 1987, Volume 2, pg.2-258)

**E. Interdisciplinary Analysis:** Identify those team members conducting or participating in the preparation of this worksheet.

<u>Name</u>	<u>Title</u>	<u>Resource Represented</u>
<u>Scott Berkenfield</u>	<u>Recreation Planner</u>	<u>Wilderness &amp; Recreation</u>
<u>Tammy Wallace</u>	<u>Wildlife Biologist</u>	<u>T&amp;E Animals, Water Quality, Air Quality, Fish and Wildlife</u>
<u>Jeff Brown</u>	<u>Petroleum Engineering Tech.</u>	<u>Hazardous Materials</u>
<u>Nancy Shearin</u>	<u>Archaeologist</u>	<u>Cultural Resources, Paleontology Native American Religious Concerns, ACEC</u>
<u>Todd Berkenfield</u>	<u>Assistant Planner</u>	<u>ACEC</u>
<u>Summer Schulz</u>	<u>Range Mgmt. Specialist</u>	<u>Invasive, Non-native Species</u>
<u>Nick Sandberg</u>	<u>Lead Range Mgmt. Spec.</u>	<u>Prime or Unique Farmland</u>
<u>Paul Curtis</u>	<u>Range Conservationist</u>	<u>T&amp;E Plants Floodplains, Wetlands/Riparian Areas Rangeland Health Standards, Grazing, Vegetation, Soils</u>
<u>Maxine Deeter</u>	<u>Realty Specialist</u>	<u>Visual Resources, Lands/Access</u>
<u>Ted McDougall</u>	<u>Team Leader</u>	<u>Environmental Justice, Socio-economics</u>

**F. Mitigation Measures:** List any applicable mitigation measures that were identified, analyzed, and approved in relevant LUPs and existing NEPA document(s). List the specific mitigation measures or identify an attachment that includes those specific mitigation measures. Document that these applicable mitigation measures must be incorporated and implemented.

Special lease stipulations would be attached in accordance with the lease category restrictions prescribed in the San Juan RMP (Appendix B). Additional mitigation would result from site specific analysis at the time lease operations are proposed. These mitigation measures would be stipulated as conditions of approval consistent with section 6 of the standard lease terms.

Bald eagles may be found during the winter months within four of the parcels. Therefore, parcels UT0206-230, UT0206-231, UT0206-232, and UT0206-238 would include the following lease notice:

*The Lessee/Operator is given notice that the lands in this parcel contains nesting/winter roost habitat for the bald eagle, a federally listed species. Avoidance or use restrictions may be placed on portions of the lease. Application of appropriate measures will depend whether the action is temporary or permanent, and whether it occurs within or outside the bald breeding or roosting season. A temporary*

action is completed prior to the following breeding or roosting season leaving no permanent structures and resulting in no permanent habitat loss. A permanent action continues for more than one breeding or roosting season and/or causes a loss of eagle habitat or displaces eagles through disturbances, i.e. creation of a permanent structure. The following avoidance and minimization measures have been designed to ensure activities carried out on the lease are in compliance with the Endangered Species Act. Integration of, and adherence to these measures will facilitate review and analysis of any submitted permits under the authority of this lease. Following these measures could reduce the scope of Endangered Species Act, Section 7 consultation at the permit stage.

Current avoidance and minimization measures include the following:

1. Surveys may be required prior to operations. All Surveys must be conducted by qualified individual(s), and be conducted according to protocol.
2. Lease activities may require monitoring throughout the duration of the project. To ensure desired results are being achieved, minimization measures will be evaluated and, if necessary, Section 7 consultation reinitiated.
3. Water production should be managed to ensure maintenance or enhancement of riparian habitat.
4. Temporary activities within 1.0 mile of nest sites will not occur during the breeding season of January 1 to August 31, unless the area has been surveyed according to protocol and determined to be unoccupied.
5. Temporary activities within 0.50 miles of winter roost areas, e.g., cottonwood galleries, will not occur during the winter roost season of November 1 to March 31, unless the area has been surveyed according to protocol and determined to be unoccupied.
  5. No permanent infrastructure will be placed within 1.0 mile of nest sites.
  6. No permanent infrastructure will be placed within 0.50 miles of winter roost areas.
  7. Remove big game carrion to 100 feet from on lease roadways occurring within bald eagle foraging range.
  8. Avoid loss or disturbance to large cottonwood gallery riparian habitats.
  9. Where technically and economically feasible, use directional drilling or multiple wells from the same pad to reduce surface disturbance and eliminate drilling in suitable habitat. Utilize directional drilling to avoid direct impacts to large cottonwood gallery riparian habitats. Ensure that such directional drilling does not intercept or degrade alluvial aquifers.
  10. All areas of surface disturbance within riparian areas and/or adjacent uplands should be re-vegetated with native species.

Additional measures may also be employed to avoid or minimize effects to the species between the lease sale stage and lease development stage. These additional measures will be developed and implemented in consultation with the U.S. Fish and Wildlife Service to ensure continued compliance with the Endangered Species Act.

If a lease is issued, the BLM would retain authority to modify or deny lease activities pursuant to nondiscretionary statutes such as the Endangered Species Act of 1973, as amended and the National Historic Preservation Act of 1966, as amended. Pursuant to IM 2002-174 (May 21, 2002) and IM 2005-03 (October 5, 2004), the following two lease stipulations would be attached to all lease parcels.

*"The lease areas may now and hereafter contain plants, animals, or their habitats determined to be threatened, endangered, or other special status species. BLM may recommend modifications to exploration and development proposals to further its conservation and management objective to avoid BLM-approved activity that would contribute to a need to list such species or their habitat. BLM may require modifications to approve or disapprove proposed activity that is likely to result in jeopardy to the continued existence of a proposed or listed threatened or endangered species or result in the destruction or adverse modification of a designated or proposed critical habitat. BLM will not approve any ground-disturbing activity until it completes its obligations under applicable requirements of the Endangered Species Act as amended, 16 U.S.C. 1531 et seq. including completion of any required procedure for conference or consultation."*

*"This lease may be found to contain historic properties and/or resources protected under the National Historic Preservation Act (NHPA), American Indian Religious Freedom Act, Native American Graves Protection and Repatriation Act, E.O. 13007, or other statutes and executive orders. The BLM will not approve any ground disturbing activities that may affect any such properties or resources until it*

*completes its obligations under applicable requirements of the NHPA and other authorities. The BLM may require modification to exploration or development proposals to protect such properties, or disapprove any activity that is likely to result in adverse effects that cannot be successfully avoided, minimized or mitigated."*

## **CONCLUSIONS**

Based on the review documented above, I conclude that:

- ☒ This proposal conforms to the applicable land use plan.

### **Determination of NEPA Adequacy**

- ☒ The existing NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of NEPA concerning the following eight parcels on the preliminary list for the February 2006 oil and gas lease sale.

UT0206-223

UT0206-231

UT0206-234

UT0206-229

UT0206-232

UT0206-238

UT0206-230

UT0206-233

- ☒ The existing NEPA documentation does not fully cover the proposed action. Additional NEPA documentation is needed if parcel UT0206-237 is to be further considered for lease sale.

*Sandra A. Meyer*

Signature of the Responsible Official

*12-12-05*

Date